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HELP AMERICA VOTE ACT  
PUBLIC HEARING

University of Missouri, St. Louis

MARCH 10, 2003

1 APPEARANCES

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3 Panel Members:

4 Judy Taylor

5 Betsy Byers

6 Richard Struckhoff

7 Gary Stoff

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14 Reported by: Celena D. Moulton, RPR

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1 MS. ZIEGLER: I'm Maureen Ziegler, and it's  
2 my pleasure today to welcome all of you, visitors,  
3 faculty, staff administrators and members of the  
4 Secretary of State's office and the St. Louis City and  
5 County Board of Elections.

6 I want to welcome you all. Thank you for  
7 taking part in this really important hearing. I know  
8 there's going to be a lot of good work being done here  
9 today. Thank you very much for visiting, and that is  
10 the end of my job. I'm going to turn it over to the  
11 representatives from the Secretary of State's office.

12 MS. BYERS: Hello on behalf of Secretary  
13 Blunt for the public hearing on the Help America Vote  
14 Act. It's good to see people interested in the election  
15 process. And with this recent Federal legislation, how  
16 it will impact elections here in the State of Missouri.

17 The Help America Vote Act, it has quite a  
18 few requirements for the State to comply with. One of  
19 those requirements is that we put together a State plan  
20 to implement the provisions in the Help America Vote  
21 Act.

22 And as part of that requirement, we have  
23 organized a plan committee and we have people  
24 represented, election authorities from around the State  
25 of Missouri.

1                   We are required to have the election  
2     directors for the two largest jurisdictions on the State  
3     Planning Committee. In Missouri, that includes election  
4     directors from St. Louis County and Jackson County. So  
5     we have four representatives from those areas.

6                   We also have representative election  
7     authorities from rural areas around the state. We have  
8     people on the committee who are considered stakeholders  
9     in the process.

10                  And this is representatives from groups  
11     that respect the disabled. We have people on the  
12     committee that represent poll workers, election judges,  
13     minority groups, what we consider stakeholders in the  
14     election process, which is a variety of people that  
15     includes all of us. So we try to get a wide variety of  
16     representation on the Stakeholder Committee.

17                  We have funds that we're going to be  
18     receiving from the Help America Vote Act. Part of those  
19     funds are what we call the punch card buy-out. And it  
20     gives the counties the option, if they so choose, to  
21     participate in the buy-out program. The Federal  
22     legislation provides partial funding of that buy-out  
23     program.

24                  If a County chooses to participate, then  
25     they will get, possibly, it provides up to \$4,000 per

1 precinct to participate in that buy-out and to purchase  
2 new equipment.

3               As we know, \$4,000 probably won't cover the  
4 cost per precinct to participate in purchasing equipment  
5 that is more modern, more advanced, using advanced  
6 technology and accessible for the disabled.

7               One of the requirements in the Help America  
8 Vote Act is that each polling place must have a piece of  
9 equipment that is accessible to the disabled.

10              So on the State Plan Committee, that's a  
11 big charge of what we have to do is to look at the  
12 accessibility issues, to look at the types of equipment  
13 that we have and also look at the election procedures  
14 that we have in place right now in the State of Missouri  
15 and to see how we can improve upon those procedures.

16              Part of the funds outside of the punch card  
17 buy-out and equipment purchasing is provided to improve  
18 the elections process.

19              So as we work in our State Plan Committee,  
20 we are also going to be looking at ways that we can  
21 improve the process and implement new procedures in the  
22 State of Missouri.

23              On our State Plan Committee, like I said,  
24 there are representatives from all different walks of  
25 life, we have imposed upon ourselves a June 1st deadline

1 to put together our State Plan.

2 In order to be eligible for Federal funds,  
3 we need to get this in by the beginning of their fiscal  
4 year for this year. And we anticipate moving very  
5 quickly to get this plan done.

6 We have publication requirements at the  
7 state level and also at the Federal level. We are  
8 holding public hearings around the State of Missouri.  
9 We had one last week in Kansas City, this week in St.  
10 Louis.

11 On the 19th we will be in Jefferson City.  
12 On the 26th we are in Springfield and on the 27th we are  
13 in Poplar Bluff. So we're trying to get input from the  
14 public on what they feel might be the best way to not  
15 only spend the money, but improve the election process  
16 itself. Some may not require funds to do that, and some  
17 may.

18 As we put the State Plan Committee  
19 together, we decided it might be easiest to get  
20 organized in a way that we can divide and conquer.

21 We set up three subcommittees for the State  
22 Plan Committee. One is training and education, the  
23 other subcommittee is equipment and accessibility, and  
24 the last is database, provisional voting and voter ID.

25 Those three subcommittees pretty much touch

1 base with every area of the State Plan that we have to  
2 address. I haven't spoken much on the Database  
3 Committee, but currently the State has a centralized  
4 voter registration database that does not comply with  
5 the Help America Vote Act.

6 We will be looking at that to see what we  
7 need to do, what's necessary to update that and to make  
8 it in compliance.

9 The committee outside of equipment  
10 accessibility, which I mentioned earlier, is the  
11 Training and Education Committee. This turns out to be  
12 one of the largest subcommittees within our committee.

13 And it's very important that we train poll  
14 workers, election officials and voters on the different  
15 aspects of the voting process. So that one is going to  
16 be an interesting committee, and they've already met --  
17 they met in Jefferson City the last week of February.

18 We started the work, and it's going to be a  
19 challenge, one we look forward to, but it's one that's  
20 going to take a lot of input, and that's where why we're  
21 here today. We'd like to get input from as many people  
22 as possible on our State Plan.

23 With me, I'd like to introduce chairs or  
24 co-chairs of the subcommittees that are represented  
25 within the State Plan Committee.

1                   To my far left is Richard Struckhoff.  
2   Richard is the County Clerk in Greene County, and  
3   Richard is co-chair with Pat Conway, the Buchanan County  
4   Clerk, on the Database Provisional Voting and Voter ID  
5   Subcommittee.

6                   Next, to my left is Judy Taylor. Judy is  
7   the Democratic Director of Elections for St. Louis  
8   County. Judy is co-chair on equipment and  
9   accessibility. The other co-chair is Gilbert Powers,  
10   who is a Clerk in Johnson County.

11                  To my right is Gary Stoff. He is  
12   Republican Director of Elections with St. Louis City.  
13   He is co-chair on the Training and Education Committee,  
14   along with Sharon Turner-Bowie, who is the Democratic  
15   Director of Elections at the Kansas City Board of  
16   Elections.

17                  So before I turn it over to them, they're  
18   going to give a quick overview of what their  
19   subcommittees have been charged with and what their  
20   plans are.

21                  I would like, again, to thank you for being  
22   here today. And, of course, Secretary Blunt had planned  
23   on being here today, but his traveling schedule had a  
24   conflict, so he's not able to attend. He's at a  
25   speaking engagement in Springfield. So Richard is up

1 here, he's down there.

2                   So with that, I'd like to open it up to the  
3 chair subcommittees. And after that, we will get the  
4 input from the people here, which is why we're here  
5 today in the first place. So we'll turn it over  
6 Richard.

7                   MR. STRUCKHOFF: I'll be very brief. I'm  
8 more interested in hearing what you have to say.  
9 Fortunately, I'm chairing or co-chairing the  
10 subcommittee where the work is almost all done. It's  
11 great.

12                   As she mentioned, we're in charge of  
13 provisional voting, which Matt Blunt pushed through the  
14 legislature last year. We've already tried it once.  
15 There were a few wrinkles that we weren't expecting, and  
16 we'll have to make some changes.

17                   But the one big change in provisional  
18 voting that's going to be coming up at least for  
19 election authorities is that we'll have to provide  
20 public access to those people who voted provisionally  
21 either through the internet or a 1-800 number or some  
22 other technology. We're really not sure how we're going  
23 to do that. As an election authority for Greene  
24 County, I'm really hoping the State will pay the cost of  
25 that.

1                   Under Voter ID we also -- it's almost as  
2   though Matt Blunt had an inside source in Congress that  
3   got a laugh in Kansas City. Matt's dad is Roy Blunt,  
4   whose is a Congressman who actually served on the  
5   committee that passed the Federal law, the Help America  
6   Vote Act.

7                   So we already have adopted in the State of  
8   Missouri most of the provisions that are in HAVA for  
9   identification of voters. As far as the database, Betsy  
10  already explained to you that we had a database,  
11  state-wide database, in Missouri for some years now.  
12  The only problem is it's not up to the minute.

13                  Some of our counties are only sending their  
14  updates once a month. Some larger counties like ours  
15  are sending ours once a week. So we're going to have to  
16  make this real-time, according to the Federal law. And  
17  not everyone is in agreement as to what that's supposed  
18  to mean.

19                  So we're looking at a major, major  
20  expenditure of funds to do that. So these are our three  
21  areas, and I look forward to hearing your testimony  
22  today.

23                  MS. TAYLOR: My name is Judy Taylor and I'm  
24  co-chair of the Equipment and Accessibility  
25  Subcommittee. The focuses that we're focusing on is

1 disabilities, alternative languages and second chance  
2 voting.

3                   And our subcommittee met last week, also,  
4 and we felt that we were kind of spinning our wheels  
5 until we get the public input as to what they want for  
6 their voting equipment.

7                   And there's funds out there, and we would  
8 certainly like to use them to make all this available  
9 for everyone and give everyone the chance and the  
10 opportunity to vote a secret private ballot. And we  
11 just look forward to all of your comments.

12                   MR. STOFF: Good afternoon. My name is  
13 Gary Stoff, and I'm co-chair of the Education and  
14 Training Subcommittee with my Democratic counterpart in  
15 Kansas City. We likewise met last week as a  
16 subcommittee.

17                   And within our subcommittee, we have five  
18 sub-subcommittees dealing with five separate issues.  
19 One is voter information, the second is poll worker  
20 training, the third is college poll worker and youth  
21 participation, the fourth is the administrative  
22 complaint process, and the fifth is military and  
23 overseas voting.

24                   If my memory serves me correctly, I think I  
25 see a couple of my fellow subcommittee and

1 sub-subcommittee members who are here today, which is  
2 good to see.

3 All five areas are of interest to us, but  
4 we're particularly interested in and wrestling with the  
5 problems of voter education and our poll worker  
6 training.

7 I don't think the City of St. Louis is  
8 unique in dealing with its poll workers in the sense of  
9 recruiting, training and retaining, and similarly in  
10 trying to encourage voters to become informed of the  
11 issues and to come out and cast their vote.

12 So any suggestions that you have for the  
13 committee here today is certainly most welcome. I will  
14 take those back with me to the next meeting of our  
15 subcommittee, and we'll pool all those ideas and  
16 hopefully come up with some good recommendations for the  
17 Secretary of State.

18 MS. BYERS: As Gary mentioned, the State  
19 Plan Committee, acting as an advisory committee to the  
20 Secretary of State, is working on that plan to present  
21 to the Secretary for his review. And I do want to note  
22 that we have a stenographer here, a court reporter, who  
23 will be taking down all the information that's shared  
24 today.

25 And we will have that available for anyone

1 who would like to have access to that. Also, this gives  
2 us, as well as the Secretary, an opportunity to review  
3 that testimony and discussion and have that in hard copy  
4 to refer to as we put together our State Plan.

5               So with that, we'd like to open it up for  
6 public comment. We do ask that you fill out a witness  
7 form so that we can track who gave the testimony to the  
8 report that we are having done. They are available at  
9 the corner of the desk up here on the table at the front  
10 of the room.

11              If you need assistance on completing those,  
12 just let us know. We have staff from the Secretary of  
13 State's office here. First of all, myself, Betsy Byers.  
14 I don't believe I introduced myself. I'm Co-director of  
15 Elections in the Secretary of State's Office.

16              I am the Democratic Director of Elections.  
17 The Republican Director of Elections was at the Kansas  
18 City hearing last week, so we're dividing it up, trying  
19 to get the whole state covered.

20              Also from the Secretary of State's staff we  
21 have Katharine Barondeau, who is assistant general  
22 counsel in the back of the room. And Pam Backs, who is  
23 an election specialist with the Election Division. So  
24 if you need any help or anything from our office, we are  
25 more than happy to provide assistance or information to

1     you.

2                   UNIDENTIFIED SPEAKER: I just have a couple  
3     of questions. I don't understand -- before you all do  
4     the testimony, what is Second Chance? I am an election  
5     judge, and I haven't heard of that.

6                   MS. TAYLOR: Second Chance is if you make a  
7     mistake, you can review it, if you over-vote or  
8     under-vote your ballot.

9                   UNIDENTIFIED SPEAKER: Yes, ma'am. I just  
10    hadn't heard it referred to like that. And also I'd  
11    like to talk -- Mr. Stoff made a comment. I've been an  
12    election judge for four years, and what is the current  
13    procedure to try to get more people to vote? And then  
14    maybe later I can talk to you if you have some ideas  
15    about that.

16                  MR. STOFF: Okay. I'd be pleased to chat  
17    with you. I think our primary interest here is  
18    receiving your input, you and the other members who are  
19    here. I can tell you that in the City we publicize  
20    elections, we make appearances at neighborhood  
21    association meetings, church meetings. We have  
22    information posted at libraries and on the website.

23                  And we also work through the respective  
24    parties, committee structures to get information out to  
25    the voters about issues that are on the ballot.

1 UNIDENTIFIED SPEAKER: I am just not  
2 familiar. And by me being a judge -- I live in public  
3 housing, and a lot of people just aren't out in the  
4 community to know about how to vote.

5 MR. STOFF: Absolutely. I'd be happy to  
6 chat with you.

7 MS. BYERS: And as part of the State Plan,  
8 I think, too, that we'd like to hear what people think  
9 and if you have ideas or things you'd like to share with  
10 us, success stories, we'd sure be interested in hearing  
11 that to see if that might be something we'd like to  
12 implement with the State Plan.

13 MS. TAYLOR: We have Sheri Keller and  
14 Michael Keller.

15 MR. STRUCKHOFF: Sheri, just for the  
16 record, could you state your name and where you're from?

17 MRS. KELLER: Sure. My name is Sheri  
18 Keller, St. Louis, Missouri.

19 MR. STRUCKHOFF: Thank you.

20 MRS. KELLER: Good afternoon. Thank you  
21 for the opportunity to speak to you today. My name is  
22 Sheri, as I said, and I am a registered voter in St.  
23 Louis City. In the past, I have also been a registered  
24 voter in Columbia and Springfield, Missouri.

25 And just as an aside to my testimony, I

1 would like to say that I have been treated very well,  
2 with respect and dignity at all of those polls.

3 As the current law allows, at times I have  
4 requested a Democrat and Republican to assist me with  
5 marking my ballot. At times I have also taken, as the  
6 law currently allows, a registered voter with me to  
7 assist me in marking my ballot.

8 Due to my disability, I have never been  
9 able to cast a secret ballot independently. It is for  
10 this reason that I believe the Help America Vote Act is  
11 so important.

12 With the implementation of this  
13 legislation, any voting system purchased with Federal  
14 funds after January 1, 2006 must be fully accessible and  
15 allow all voters, including those with disabilities, the  
16 ability to cast a secret, independent and verifiable  
17 ballot.

18 Another important part of this legislation,  
19 I believe, is a non-supplantation clause to bar local  
20 election authorities from supplanting Federal funds into  
21 their general operating budget.

22 In closing, I would like to make one more  
23 point. The technology is available to allow me to cast  
24 a secret ballot independently. However, I believe that  
25 it is essential to ensure that voting is truly

1 accessible to all persons in Missouri.

2 Thank you very much.

3 MR. STRUCKHOFF: Thank you, Sheri. Sheri,  
4 can I ask you a question?

5 MRS. KELLER: Sure.

6 MR. STRUCKHOFF: I notice that you're  
7 reading braille. In Kansas City, we also have visually  
8 impaired people who gave testimony. And one of the  
9 questions that we asked each one was if they read  
10 braille or not. I think you answered that.

11 Number two, we asked them what percentage  
12 of the visually impaired do you believe can read  
13 braille? Any idea?

14 MRS. KELLER: I don't know.

15 MR. STRUCKHOFF: They estimate somewhere  
16 less than 1 percent of visually impaired people.

17 MRS. KELLER: I'd say it's higher than  
18 that.

19 MR. STRUCKHOFF: Would you have an estimate  
20 or is there a source that we can go to on that.

21 MRS. KELLER: American Printing House for  
22 the Blind would probably be the best source, in  
23 Louisville, Kentucky. And I think some type of speech  
24 enlarged print would probably hit the most -- or the  
25 largest percent of the population, to be honest.

1                   MR. STRUCKHOFF: And that was my next  
2 question. Would braille reach or help the largest  
3 percentage of visually impaired people in your  
4 estimation.

5                   MRS. KELLER: I would say probably not,  
6 although I'm really strong on braille literacy. So  
7 you're kind of challenging me now from a philosophical  
8 standpoint. But I would honestly say that probably  
9 speech would be a more universal form.

10                  MR. STRUCKHOFF: Some type of audible  
11 system?

12                  MRS. KELLER: Right.

13                  MS. TAYLOR: If you had an audible system  
14 that would review your ballot, that would be acceptable.

15                  MRS. KELLER: Yes.

16                  MR. STRUCKHOFF: Have you tried out any  
17 system yourself?

18                  MRS. KELLER: I have. I'm not going to be  
19 good on the name of one.

20                  MS. BYERS: I know that we had Paraquad,  
21 was it last year?

22                  MRS. KELLER: Exactly. The one dialing  
23 system that was there, if you were there.

24                  MR. STRUCKHOFF: Was that the E-Slate?

25                  MS. BYERS: It was Hart.



1 systems out there that do have the audible ear phone  
2 system, however, most of the screens, when you turn on  
3 the headphones, most of the screens go dark or go blank.

4 While this may work for voters who are  
5 entirely blind, for low vision voters, that created a  
6 problem. They would still like to be able to see the  
7 ballot.

8 MR. STRUCKHOFF: Did they explain why?

9 MS. ANTHONY: Why it went blank? I think  
10 it was just the way the technology was built. They  
11 thought that --

12 MR. STRUCKHOFF: I'm wondering if that was  
13 intentional so people couldn't look over the shoulder of  
14 the blind voter.

15 MS. ANTHONY: It's possible. I really  
16 don't know what the intentions were. But I do know that  
17 the screen staying on helped most of our low vision  
18 folks who were testing the equipment.

19 But I also know that manufacturing  
20 companies, since this law has passed, are scrambling to  
21 come up with technology. So while that's the best  
22 system out there now, of course to our advocates, better  
23 technology is on the way, I think.

24 MR. STRUCKHOFF: And I hate to interrupt.  
25 But I have seen the E-slate at some of the conferences

1 we attend on an annual basis. I don't recall that it  
2 had a paper trail, an individual, verifiable paper  
3 trail.

4 MS. ANTHONY: I think it can be done. I  
5 know that system is widely used in Texas.

6 MR. STRUCKHOFF: Harris County, I think,  
7 has bought the system.

8 MS. ANTHONY: Yeah.

9 MR. STRUCKHOFF: It was my understanding  
10 that that was one of the downsides of the E-slate, it  
11 did not produce a voter verifiable ballot.

12 MS. ANTHONY: Which is important.

13 MR. STRUCKHOFF: It's very important. In  
14 fact, now many of the people in the Silicon Valley are  
15 rallying against these new systems because they don't  
16 provide that back-up, and you're completely at the mercy  
17 of a programmer.

18 MS. ANTHONY: Right. And the poll workers  
19 have to be very carefully trained if something were to  
20 go wrong.

21 MR. STRUCKHOFF: Exactly.

22 MS. ANTHONY: And I think that once those  
23 come to light, that the technology will move forward  
24 with that.

25 Again, my name is Kelly Anthony. I'm here

1 representing the Help Missouri Vote Coalition, which is  
2 a coalition of almost 40 citizen organizations around  
3 the state, and I have a list of them here.

4 We represent disabled voters, voters of  
5 ethnic minorities, older adults, clergy, teachers and  
6 other citizen organizations.

7 While each of the organizations in the  
8 coalition has a specific interest in being a part of the  
9 coalition, the underlying principles for why we are  
10 working together in the coalition are mutual.

11 And those principles are to ensure that  
12 every legitimate voter in Missouri, every legitimate  
13 voter's ballot is counted, and that all eligible  
14 citizens have the same access to casting a secret and  
15 independent ballot inside their polling places as their  
16 non-disabled counterparts.

17 We know as a coalition that HAVA, the Help  
18 America Vote Act, was passed as a direct result of the  
19 problems that we saw in the election process during the  
20 2000 elections around the country.

21 And many of the organizations participating  
22 in this coalition represent the constituencies that were  
23 most negatively effected by those problems in Missouri  
24 during the 2000 elections.

25 And we have is a very high stake,

1 obviously, in seeing that those problems are addressed,  
2 especially now with the opportunities that we are  
3 getting with the Federal funding coming directly into  
4 the State to begin to solve some of those problems.

5               We feel that was a successful  
6 implementation. Missouri has as great deal of  
7 opportunity to develop the most accurate, efficient and  
8 accessible process.

9               Along with this opportunity, however, comes  
10 responsibility. Missouri policy-makers, the Secretary  
11 of State's Office and the State Plan Committee members.  
12 When we're setting a high standard for improvements to  
13 and changes in the elections process, we need to be  
14 careful that we don't create more barriers to voting and  
15 that we are not burdening the voter further.

16              In this state, there's a good deal of talk  
17 about elections fraud. I'm sure it's the same in other  
18 states. And it's an understandable debate. Fraudulent  
19 voting depletes the integrity and accuracy of our  
20 elections process.

21              However, again, we have to be careful that  
22 when we're dealing with these issues of fraud, we aren't  
23 creating more barriers to the honest, legitimate voters  
24 in this state.

25              Our feeling as a coalition is that there

1 are going to be those individuals who want to deceive  
2 the system, and that they will find every way that they  
3 can. If they want to commit voter fraud, then they're  
4 going to find a way to do it.

5 I liken voter fraud and election fraud to  
6 bank robbery. No matter what we do, we haven't been  
7 able as a society to stop bank robberies, but we don't  
8 make it harder for people to use the bank. What we do  
9 is we prosecute people who commit bank robbery.

10 People know the penalties for committing  
11 that crime and security is heightened and there are  
12 procedures in place. But these procedures, again, don't  
13 make it harder for you to get into the bank. The same  
14 should be true for the voting process, we feel as a  
15 coalition.

16 The Help Missouri Vote Coalition is working  
17 to ensure that our elections process is set up to  
18 encourage all eligible citizens to vote at the highest  
19 level of participation possible.

20 We feel that minimal compliance with HAVA,  
21 in other words, the State simply meeting the Federal  
22 guidelines, is not enough for true election reform to  
23 occur.

24 And again, this is an opportunity to make  
25 some real changes in the election process. And the

1 State should be looking above and beyond what is  
2 required and to begin looking at the constituencies that  
3 have the most to gain from this law.

4           And that's why we've addressed and  
5 prioritized several voting needs for our community.  
6 Sheri mentioned earlier the non-supplantation clause.  
7 We feel this is very important at the local level. The  
8 Federal law states that the State entities who are  
9 receiving these Federal funds can't supplant Federal  
10 dollars.

11           We'd also like to see that clause extended  
12 to local election authorities to ensure that the funding  
13 is being spent to where it's intended. It's not that we  
14 don't trust the election authorities, it's just that,  
15 particularly the disability community has had promises  
16 made in the past, and those promises so often take much  
17 longer than should be deemed appropriate, according to  
18 the disability community, for those changes to occur.

19           The other items are provisional ballots, a  
20 system of when somebody's provisional ballot doesn't  
21 count, that a voter registration card is mailed to them  
22 or somehow the envelope on the voter ballot acts as a  
23 voter registration card. We want to see that as a  
24 uniform practice around the state.

25           A centralized voter list we feel is also

1 very important, being able to access that in real-time.  
2 We'd also like to see disability entities and poverty  
3 entities linked into that database so that those  
4 entities are held accountable for the voter registration  
5 activities and that that's an efficient and effective  
6 way of registering voters who are served by those  
7 entities.

8                   We'd like to see developed no later than  
9 August of 2004 a uniform poll worker training around the  
10 state to deal with the proper ways of distributing and  
11 handling provisional ballots, so that it's the same  
12 around the state, to address the needs of voters with  
13 disabilities and for voters whose English is not their  
14 native language.

15                   We want to see a uniform system developed  
16 so that all poll workers around the state know the  
17 process and that a person with a disability in Rolla,  
18 Missouri will have the same opportunity as a person with  
19 a disability voting in St. Louis City, they're able to  
20 vote in the same way.

21                   We also urge the -- and we're working with  
22 the Legislature and the State Plan process on this. We  
23 urge Legislators that if an election authority waits  
24 until the very last waiver period for this Federal  
25 funding, if they wait until the last one, which is if

1 they're not in compliance by January 1st, 2006, they're  
2 able to apply for again a third waiver in which they can  
3 come in compliance by January 1st, 2007.

4           The disability community has been shut out  
5 of the elections process as long as this country has  
6 been around. And so we feel that as an incentive for  
7 election authorities to make themselves accessible, that  
8 any system purchased after January 1st, 2006 with  
9 Federal funds, those systems must be completely  
10 100-percent electronic and accessible.

11           So if an election authority waits until  
12 January 1st, 2006 to begin thinking about  
13 implementation, then they'll have to pay more money.

14           We'd also like to see a Voter's Bill of  
15 Rights. These would be statute changed. There are  
16 things that are already in law, already voter's rights.  
17 We'd just like to see them uniformly posted at every  
18 polling place in the country.

19           I have here for each of you those  
20 priorities, and a list of the coalition members. Again,  
21 we feel minimal compliance is not sufficient. That's  
22 why we've set out our own priorities based upon what our  
23 constituencies have experienced in the past in the  
24 election process.

25           These priorities will give Missouri the

1 ability to say that our elections follow the letter and  
2 spirit of the Help America Vote Act, empowering citizens  
3 through the election process. And that's my close. And  
4 I would be happy to answer any questions.

5 MR. STRUCKHOFF: Kelly, have you seen the  
6 term "disability" defined in the Federal law?

7 MS. ANTHONY: Most commonly what is used is  
8 under the Americans with Disabilities Act.

9 MR. STRUCKHOFF: Was it specifically  
10 referred to in this bill?

11 MS. ANTHONY: I don't think it was  
12 specifically referred to.

13 MR. STRUCKHOFF: How would you define it?

14 MS. ANTHONY: I would use the Americans  
15 with Disabilities Act guidelines.

16 MR. STRUCKHOFF: So if we have a system  
17 that Sherry can use, but if Christopher Reeves can't,  
18 then that's not an allowable system?

19 MS. ANTHONY: Right. Although you'll find  
20 most of the systems can accommodate all voters, not just  
21 voters with disabilities, but all voters, as a matter of  
22 fact. And that the systems that are being developed now  
23 actually have modifications and accommodations that can  
24 be fitted onto the equipment.

25 For instance, if a voter with quadriplegia

1 wants to vote, there's a sip and puff method that we've  
2 seen, as well as the headphones.

3 And, actually, I haven't seen too many  
4 systems who are calling themselves fully accessible that  
5 allow one and not the other. I think that the  
6 manufactures are aware that disability includes blind  
7 and low vision voters, it also includes voters with  
8 upper mobility disorders.

9 MR. STRUCKHOFF: And since the technology  
10 that you have seen and the technology that I've seen,  
11 I'm not sure even comes close to all of the disabilities  
12 that you just described, would the disabled communities  
13 say, "Okay. We will be all for a waiver if all of us  
14 can go in and be able to cast an independent vote."

15 So what I'm saying is, and as you stated  
16 earlier, the technology is changing every day and  
17 improving, hopefully. So if the State of Missouri were  
18 to ask for a waiver until January of 2006, would you be  
19 opposed to that?

20 MS. ANTHONY: Not the 2006 waiver, but  
21 definitely to the 2007 waiver. We feel that by setting  
22 accessibility guidelines, you're not limiting election  
23 authorities to the purchase of equipment by simply  
24 saying accessible means that blind voters are able to  
25 cast a ballot, accessible means that voters with upper

1 mobility disorders are able to cast a secret ballot.

2 That's enough to put into place the systems  
3 that need to be there. And there are systems out there  
4 that do fit these needs already. And that market is  
5 only going to grow as this law starts to take effect in  
6 states.

7 And so we feel that we can go ahead and set  
8 some really specific guidelines and that we are not  
9 limiting or not getting ahead of ourselves.

10 MR. STOFF: I'm glad she is on our  
11 subcommittee.

12 MS. ANTHONY: Also, the ACLU of Eastern  
13 Missouri, a coalition member that couldn't be here  
14 today, asked me to read a letter. Would it be okay if I  
15 read the letter?

16 MR. STRUCKHOFF: Sure. Just state who it's  
17 from.

18 MS. ANTHONY: It's from Matt LeMieux, who  
19 is the Executive Director of ACLU of Eastern Missouri.

20 "Dear Committee Members: In March 2001,  
21 the American Civil Liberties Union in Eastern Missouri  
22 filed a lawsuit against the St. Louis Board of Elections  
23 with the hope of fixing the many flaws in the City's  
24 voting procedures that resulted in thousands of people  
25 being disenfranchised on the eve of the 2000

1 presidential election.

2           The ACLU also filed suits in several other  
3 jurisdictions seeking to correct voting flaws. One of  
4 the common themes in each of those cases was the lack of  
5 money at the local level to address serious voting  
6 issues.

7           The passage of the Help America Vote Act  
8 will allow many cash-strapped jurisdictions like the  
9 City of St. Louis to fulfill its duty to ensure that  
10 every person who is willing and able can cast their  
11 vote.

12           To be consistent with the spirit of HAVA,  
13 we believe that the following measures must be taken at  
14 the state level: The adoption of rules allowing for  
15 smooth administration of a provisional ballot system  
16 that seeks to count as many votes as possible; the  
17 creation of an expansive, centralized voter list;  
18 uniform poll worker training; a rule that bars local  
19 election officials from placing Federal HAVA funds into  
20 their general operating budget; the creation of and  
21 posting on election day of a Voter's Bill of Rights.

22           The passage of HAVA could be the most  
23 significant voter's rights legislation in the past 30  
24 years. We believe the success of this legislation  
25 depends upon the passage of clear guidelines that will

1 address issues of accessibility, poll worker training  
2 and voter registration.

3 We hope this committee will work to advance  
4 the spirit of HAVA by creating clear rules for  
5 implementation of this potentially ground-breaking piece  
6 of legislation.

7 Sincerely, Matt LeMieux, Executive Director  
8 of the ACLU of Eastern Missouri.

9 MR. STRUCKHOFF: Do you have a question for  
10 her? This is David Welsh. He is also on the  
11 subcommittee.

12 MR. WELSH: I have two questions. The  
13 first one, the Americans with Disabilities Act and  
14 several acts refer to reasonable accommodations. This  
15 act does not refer to reasonable accommodations. It  
16 says "shall be accessible to all voters". Is that a  
17 higher standard than a reasonable accommodation in your  
18 mind?

19 MS. ANTHONY: Yes. Reasonable  
20 accommodations, up until this point, have included, for  
21 instance, curbside voting, absentee voting has been used  
22 as an excuse -- we call it an excuse -- or as a reason  
23 not to make polling places accessible.

24 In other words, local election authorities  
25 have often times interpreted reasonable accommodations

1 to mean that people with disabilities don't need to vote  
2 within their polling place and don't need to vote by  
3 secret ballot.

4 And actually, the Federal law further  
5 explains that voters who are blind and low vision have  
6 to have the opportunity to be able to cast a secret  
7 ballot under this Federal legislation.

8 MR. WELSH: All right. Secondly, in saying  
9 all voters, you indicated that there is equipment  
10 available that would allow all voters to cast a secret  
11 ballot. Do you by any chance know any manufacturers who  
12 have such a system that would allow the person with a  
13 disability, let's say hearing and sight disabilities, to  
14 cast a ballot.

15 MS. ANTHONY: I don't know about that.  
16 That's a really good question. I think the equipment  
17 that we've seen doesn't include somebody who is voting  
18 who has like a hearing impairment or is low vision and  
19 blind. I haven't seen the technology. It doesn't mean  
20 it's not out there.

21 But the equipment that we've seen, the ones  
22 that were fully accessible for which I described  
23 earlier, those were simply devices that could be placed  
24 onto the equipment to allow for voters with those  
25 disabilities to vote.

1                   The system is actually accessible to all  
2 voters, so I can use the electronic voting system if I  
3 want. It's not limited to people with disabilities.

4                   MR. WELSH: I understand that. But fully  
5 accessible to the person with one or more disability,  
6 also. So that, to your knowledge, is not currently  
7 available.

8                   MS. ANTHONY: Not to my knowledge. But  
9 it's been a while since I've been working on the  
10 technology end of things. So things might be developed.  
11 I am not sure. But if somebody were blind and had  
12 quadriplegia, for instance, they would be able to cast a  
13 secret ballot with some of these systems.

14                  MS. TAYLOR: Is it in the FEC regulations?

15                  MS. ANTHONY: The FEC didn't set any  
16 regulations for this law, unfortunately. We wish they  
17 had, but they haven't set any yet.

18                  MR. STRUCKHOFF: Betsy, you have attended  
19 some Federal conferences. Was there a definition for  
20 disability that you heard?

21                  MS. BYERS: Not this one. Like Kelly said,  
22 not in the Help America Vote Act, there isn't a  
23 definition of disability.

24                  MR. STRUCKHOFF: That was the point I was  
25 trying to make, not really a point, but a question.

1     What if we do have a voter who is Helen Keller meets  
2     Christopher Reeves?

3                     I mean, what system is there available or  
4     could there even be one that's going to allow this  
5     person to vote independently and in secret.

6                     MS. ANTHONY: I would turn that back over  
7     to the equipment subcommittee. I would think that that  
8     would really be something that they could look into.  
9     That could be a charge that they really look into it to  
10    see if that technology -- if it's not available now, is  
11    it being developed.

12                    MR. STRUCKHOFF: That's why I'm happy with  
13    my little subcommittee.

14                    MR. KELLER: Actually, if a person is deaf  
15    and blind, if they read braille and if they had braille  
16    output, they would be able to have a secret ballot if  
17    they read braille.

18                    MR. STOFF: Thank you.

19                    MS. TAYLOR: Is that all, Kelly?

20                    MS. ANTHONY: That's all I have.

21                    MS. TAYLOR: Thank you. Hunter Alexander.

22                    MR. ALEXANDER: Good afternoon. My name is  
23    Hunter Alexander. I am a registered voter in the County  
24    of St. Louis. And I'd like to say that Missouri and all  
25    Missourians, just like myself, can be very proud of this

1 state because we have recognized the need to reintegrate  
2 into our society ex-felons into the population of  
3 voters.

4 We have a law in the books that allows them  
5 to regain their right to vote once they have completely  
6 served their debt to society and have been discharged  
7 from the penal system.

8 So we can be very proud of that, because  
9 Missouri has led the nation in the attempt to make this  
10 population productive, tax paying and productive  
11 citizens again.

12 However, we could do a little bit more,  
13 because what we've found is that most of this  
14 population, over 700,000 in the State of Missouri, is  
15 unaware that they have this right to vote once they have  
16 been discharged from the system.

17 And so what I am here to do is represent  
18 that population of Missouri, those 700,000, and would  
19 like to know is there something being done to assist  
20 that population in re-enfranchising their rights to  
21 vote.

22 This may be something that could be done in  
23 the Voter Information area of that committee. It may be  
24 something that could be done in the Voter Education  
25 area, also, of that committee.

1                   But it's a population that surely we want  
2   to continue to re-integrate into our society and make  
3   them tax paying and productive citizens again.

4                   Now, one way we could do this and it  
5   wouldn't cost anything is to ensure that in their letter  
6   of discharge when they leave the system that the  
7   information is included in the letter, that they have  
8   regained their right to vote, and also some instructions  
9   on procedures on how they can go about registering to do  
10  that.

11                  And this is something that's being done  
12  already. They are being given a letter of discharge.  
13  However, they are not being told that they have a right  
14  to vote. So it would be a simple matter of including  
15  that in the letter of discharge and having the probation  
16  and parole boards to include that as they give them  
17  their letter of discharge.

18                  Another means that we feel that would help  
19  also would be to make probation and parole officers  
20  similar to the motor voter registration process. Make  
21  those offices equipped so that as they are discharged  
22  from the system, they can automatically be registered to  
23  vote in the system.

24                  MS. TAYLOR: Mr. Alexander, I'd like to ask  
25  you a few questions, because you've hit something very

1 near and dear to my heart. I do prison ministry. And I  
2 feel that when a person has paid their debt to society,  
3 that they should be allowed to be reinstated to vote.

4 And I agree with you, a lot of them aren't.  
5 And the public is not aware that if a convicted felon is  
6 convicted, until he's sentenced, he still is allowed to  
7 vote.

8 A question I would like to ask you is how  
9 far do you think we should go, you know? Do you have  
10 volunteers out there to give this information to -- I  
11 mean, 700,000, that's a lot of people, you know.

12 And do you have volunteers out there to  
13 give this information to people that have paid their  
14 debt to society?

15 MR. ALEXANDER: Yes. This year the  
16 American Civil Liberties Union of Eastern Missouri began  
17 a program, actually last year, began a program. It's  
18 called the Get Your Vote Back in Missouri Project, where  
19 we do provide this information to ex-felons.

20 Now, what we have been doing is we have  
21 been providing those information packets to  
22 organizations that have contact with ex-felons. We've  
23 also provided information packets to the Board of  
24 Probation and Parole, also.

25 So there is a limited number of volunteers

1   that are out trying to distribute this information.  But  
2   again, the majority of the ex-felons that are in our  
3   state now have already served their debt to society, and  
4   they are back in our society.

5                   But when they left, they were not informed.  
6   And what I found is that not only almost 100 percent of  
7   those ex-felons, but almost 100 percent of the general  
8   public is unaware that ex-felons have the right to vote,  
9   also.

10                  So there needs to be a means of getting  
11   information to ex-felons that are already out there.  
12   But ex-felons are leaving the system daily, also.

13                  So one simple process that wouldn't cost  
14   anything would be to make sure that that information is  
15   included in the letter of discharge as they leave the  
16   system now.

17                  So it would not serve all of those 700,000  
18   that are already there, but it would correct the problem  
19   to ensure that future ex-felons, as they leave the  
20   system, they are informed that they have the right to  
21   vote.

22                  And also if we could make the probation and  
23   parole offices just like the motor voter program, where  
24   they also could go ahead and register them as they leave  
25   the system, that would also correct the problem, too,

1 for the present and in the future.

2 But the ones that are already existing is  
3 something that we're working on. We're trying to work  
4 with probation and parole to try to identify those  
5 700,000 so that we can get the information to them, but  
6 it's a lengthy process.

7 MS. TAYLOR: Are you aware of pending  
8 legislation now to stop convicted felons from voting,  
9 period?

10 MR. ALEXANDER: No. I am not aware of that  
11 pending legislation. Would you tell me what that is?

12 MS. TAYLOR: I don't have the House bill  
13 number. It's not on the calendar, and it hasn't been  
14 put before a committee yet. I don't have it in front of  
15 me. But I'd be happy to give you a card and check it.  
16 It's legislation you should follow closely.

17 MR. ALEXANDER: Okay. I was aware of  
18 legislation that was presented but was later amended the  
19 next day, amended to state not that voters would not be  
20 given the right to vote, but that ex-felons would not be  
21 allowed to run for public office.

22 MS. TAYLOR: No. This has that they should  
23 be denied the right to vote, period.

24 MR. ALEXANDER: I am not aware of that. I  
25 would like to know what that is. I am aware of

1     legislation that was presented in the Senate, though, by  
2     Senator Rich Days, which is Senate Bill 321, which would  
3     simply add one sentence in the current language that  
4     would simply say that the probation and parole boards  
5     would include in their letter of discharge information  
6     that ex-felons have the right to vote. And again, that  
7     would not cost anything.

8                     MS. TAYLOR: I am aware of that one, also.  
9     But there is another one out there that you should watch  
10    closely.

11                    MR. STRUCKHOFF: Let me just say that I  
12    would agree about the letter. I am not even sure that  
13    would require legislation. I think that could be  
14    executive ordered to that department of the State to add  
15    that language to the letter.

16                    But when you start to suggest that parole  
17    officers then become voter registrars, I think there are  
18    a number of election authorities in the room who kind of  
19    went, "Oh, no!"

20                    Because since then, since motor voters, we  
21    have made registrars out of a lot of people who never  
22    wanted to do it, and they daily show us that, that they  
23    don't want to do it.

24                    And to tell a parole officer that they're  
25    going to become a voter registrar, I think we're going

1     into an area that I don't think we want to go. But I  
2     totally agree with you that just adding that language to  
3     the discharge letter would be a good idea.

4                   MR. ALEXANDER: Can I ask you guys to  
5     assist me in getting maybe -- in maybe asking the  
6     Governor to make that executive order?

7                   MR. STRUCKHOFF: I'm not sure the Governor  
8     would listen to me, but I'll certainly talk to my  
9     legislators.

10                  MS. TAYLOR: I would certainly be happy to  
11    make that request for you.

12                  MR. ALEXANDER: Thank you.

13                  MS. TAYLOR: Here's my card. Robert  
14    Schwartz.

15                  MR. SCHWARTZ: I guess part of what I  
16    wanted to say, this gentleman just covered. But I work  
17    at the St. Louis Empowerment Center, and we deal with  
18    people with mental illness and a lot of homeless people.

19                  And I was part of the Get Out the Vote  
20    thing last year, and not one single one of our clients  
21    knew that as an ex-felon they were allowed to vote.  
22    They bucked me at every turn on, "Hey, we can register  
23    you here." "But I'm not allowed to. Nobody ever told  
24    me I could." And that disenfranchised fully half of our  
25    people.

1                   With our homeless population, we have got a  
2   problem with the identification thing. It's a problem  
3   for our guys, period, for getting a job, getting into a  
4   shelter. And there's nobody funding getting them an ID,  
5   and it's like a poll tax for this particular population.

6                   Most of my clients, if they get Disability,  
7   that's their total income. And while \$10 doesn't seem  
8   like much to us, if it's a big percentage of your  
9   monthly rate, and you're carrying it around on your back  
10  and you lose it every month, that's a big chunk.

11                  And so those people will never have  
12  identification, and a lot of them are ex-felons.  
13  They're trying to rehabilitate themselves. We're trying  
14  to help them. And understanding the voting process is  
15  part of their rehabilitation, but they believe that they  
16  have been disenfranchised.

17                  The Motor Voter Law, when I first read  
18  about that, I thought, "Oh, my God. Are we under that?  
19  Are we supposed to be doing it?" And then I realized it  
20  had to come from Jeff City.

21                  I have been registering people for the last  
22  couple of years. I do it on a regular basis. It's  
23  wonderful that homeless people are allowed to use our  
24  center's address for their mail and a mailing address.  
25  They can vote from there.

1                   That helps. But that mandated thing --  
2   you've had a lot of people that didn't want to be  
3   registrars, but at the same time, I know a lot of people  
4   that were willing to be registrars, but without that  
5   mandate from Jefferson City, they can't do it.

6                   MR. STRUCKHOFF: Have you been deputized to  
7   be a registrar?

8                   MR. SCHWARTZ: No.

9                   MR. STRUCKHOFF: Under Motor Voter, because  
10   of mail-in provision, really anybody can circulate voter  
11   registration forms. They'll give them to you for free.  
12   That's probably how you've been doing it.

13                  MR. SCHWARTZ: I do that, and then I funnel  
14   them through the League of Women Voters.

15                  MR. STRUCKHOFF: The other gentleman that  
16   testified, they can put a mail-in form in their  
17   discharge letter. The Secretary of State's office  
18   prints tens of thousands of those things all the time.  
19   So that would probably would be a good thing.

20                  It could say, "You're discharged. You can  
21   register to vote now," and enclose a form.

22                  MR. SCHWARTZ: Yeah. I don't understand  
23   the -- well, poverty, homelessness, mental illness,  
24   they're all barriers to people's understanding their  
25   voting rights.

1                   And it seems to be that if poverty  
2 agencies, mental health agencies and the Department of  
3 Corrections, yeah, they're are all overworked and they  
4 don't want anymore. But if they don't, we've  
5 disenfranchised such a huge section of our population.

6                   I don't know how to encourage them to come  
7 back into society if they don't take part in the voting  
8 process. And without that vote -- I need the education  
9 on how to bring them back into society.

10                  MS. TAYLOR: I wish I had an answer for  
11 you.

12                  MR. STRUCKHOFF: Thank you.

13                  MR. SCHWARTZ: You're welcome.

14                  MS. TAYLOR: Russell Ewell.

15                  MR. STRUCKHOFF: Russell, if you would  
16 state your name and address.

17                  MR. EWELL: Yes. My name is Russell Ewell,  
18 and my address is 7119 Orion, St. Louis, Missouri  
19 63121.

20                  MR. STRUCKHOFF: Go right ahead.

21                  MR. EWELL: I'm sorry. I'm just getting in  
22 late, so I don't know what has been said already, and I  
23 hate to repeat anything that somebody else has already  
24 stated.

25                  But I'm here as a member of the community.

1 Also, I am a person with a visual disability, diagnosed  
2 as being legally blind. So I'm a part of the blind  
3 community. And I want to speak on that behalf as far as  
4 people that have never been able to cast a secretive  
5 ballot before.

6 And all of my life, as long as I've voted,  
7 which has been about 20 years now, I've never been able  
8 to vote without someone assisting me, without there  
9 being someone there. And I'm not a hundred percent sure  
10 that they always cast the ballot that I would like to  
11 cast, even if it's a family member, as with the curbside  
12 voting. I know that that's available.

13 And I also know that you can vote absentee.  
14 But I feel it is empowering for people to be able to  
15 come to the polls themselves, for it to be accessible to  
16 people with visual disabilities, with mobility  
17 disabilities to be able to come and take part in  
18 something that I believe is our right.

19 I am excited about this whole process,  
20 because I believe that it's a chance to be able to talk  
21 to you all at this point where those decisions are being  
22 made.

23 And I just wanted to make sure that I let  
24 people know that, as a person with one specific  
25 disability, that does not mean that I am not sensitive

1 to people with other disabilities. And I really support  
2 the idea of making even the polls physically accessible  
3 themselves.

4 MR. STRUCKHOFF: And I've asked this of  
5 every person with a visual disability. Can you read  
6 braille?

7 MR. EWELL: No, I do not. Large print is  
8 my choice of texts.

9 MS. TAYLOR: So a change of font size?

10 MR. EWELL: Yes.

11 MR. STRUCKHOFF: No other questions. Thank  
12 you, Russell.

13 MS. TAYLOR: Why don't we take a 10, 15  
14 minute break and come back and see if anyone else has  
15 anything they'd like to address the committee with.

16 (Thereupon, a short recess was taken.)

17 MS. TAYLOR: We have a David Kimble.

18 MR. KIMBLE: Hi. My name is David Kimble,  
19 and I am an assistant professor of political science  
20 here at UMSL. And I have been doing some research over  
21 the last year or two on voting equipment, specifically,  
22 and election, some of them generally.

23 I think that part of the motivation for the  
24 Federal Help America Vote Act was in response to the  
25 controversy in Florida in the presidential election

1 2000, and the situation of over-votes and under-votes,  
2 that some people mistakenly voted for too many  
3 candidates, and some people failed to vote for any  
4 candidates. So that's my research.

5 I've looked at the last two major national  
6 elections from every county election return to look at  
7 what sort of things work in reducing those over-votes  
8 and under-votes, and what things tend to exacerbate the  
9 situation. Reducing under-votes and over-votes would  
10 help reduce election controversies in the future.

11 And just a couple sort of things that I've  
12 found, one is that punch card ballots have the highest,  
13 on the average, a higher number of over-votes and  
14 under-votes than any other type of voting equipment.

15 Any other type of voting equipment would  
16 certainly help reduce the number of over-votes and  
17 under-votes. And I know that the \$4,000 per precinct  
18 isn't nearly enough to cover the cost of replacing them,  
19 and especially in the current economic times.

20 It's a difficult decision to replace some  
21 equipment. But that's one, replacing punch card  
22 machines would certainly reduce the number of over-votes  
23 and under-votes.

24 In terms of the newer equipment that's  
25 being marketed out there as replacements, the electronic

1 touch screen voting machine and optical scan ballots  
2 that are counted at the precinct that have that second  
3 chance mechanism both do about the same.

4           The centrally counted optical scan ballot,  
5 for the second chance mechanism, they don't do as well  
6 in that regard, probably not surprisingly.

7           A couple other sort of interesting things  
8 that I found that might be worth considering, I think  
9 the Secretary of State's report on 2004 on election  
10 reform, one of the items that he recommended, or at  
11 least for consideration, was a uniform system for the  
12 State.

13           I know there are certain political --  
14 potential political problems with having the State tell  
15 all 116 voting jurisdictions which equipment they're  
16 going to use.

17           But I did find in a handful of States, I  
18 think there are about six or seven that have a uniform  
19 system, and they have a substantially lower number of  
20 over-votes and under-votes of other states where  
21 different counties choose different systems. So it's at  
22 least worth considering, even though I know there's a  
23 downside to that, as well.

24           Another interesting thing is the State of  
25 Nevada has a "none of the above" line on the ballot.

1 And they didn't have the most modern equipment, but they  
2 have a really low number of under-votes and over-votes.

3 It may hurt candidates' feelings to find  
4 out how many "none of the above" votes were tabulated,  
5 but that's another at least possibility I think that's  
6 worth considering.

7 The final thing I've found is that at least  
8 for informational purposes, and to compare how different  
9 counties are doing, it helps to have basic information  
10 at the county levels in terms of how many ballots were  
11 cast, and ideally how many under-votes and over-votes  
12 there were.

13 I think right now counties don't have to  
14 report that type of thing to the Secretary of State's  
15 office. It might help to tabulate and collect that  
16 information just for informational purposes and to sort  
17 of keep track of how reforms are going in terms of those  
18 things. And that's all I have to say.

19 MS. TAYLOR: Okay. How long have you been  
20 studying this? Just since the 2000 --

21 MR. KIMBLE: Yeah. I've looked at the 2000  
22 and 2002 general elections.

23 MR. STRUCKHOFF: Are there any systems out  
24 there that you really like?

25 MR. KIMBLE: In terms of the new ones?

1 MR. STRUCKHOFF: Yeah.

2 MR. KIMBLE: No. I think in terms of  
3 over-votes and under-votes, the touch screen and the  
4 precinct counted optical scans do about the same. I  
5 mean, I know there are other issues as well that I'm not  
6 certain enough for choosing between the two. I'd rather  
7 not recommend one or a different manufacturer.

8 MR. STRUCKHOFF: In your studies, have you  
9 seen recently, apparently there's a backlash now on  
10 these touch screen systems that don't provide a voter  
11 identifiable vote.

12 After they cast their ballot, they can't  
13 hold it in their hand and look at it to make sure that  
14 the system is recording their vote appropriately. Do  
15 you share that fear?

16 MR. KIMBLE: A little bit, I guess. I  
17 mean, I guess the fear is that, you know, a hacker or  
18 somebody could hack into the electronic machine somehow  
19 and manipulate the vote outcome and votes.

20 And election officials potentially might  
21 not know since there's no paper ballot, no paper trail.  
22 I am not an engineer in computer programs. But I think  
23 it would be nice to have some sort of paper trail.

24 MS. TAYLOR: Basically, you can zero it  
25 down to any one machine that might have a problem. You

1 can't see how a voter voted. And, you know, my theory  
2 on it, a paper trail would be a paper trail at the end.

3 If you hand me my grocery receipt, I can  
4 spend \$400 and I throw it in my purse, and two months  
5 later I throw it away. You know, and my groceries are  
6 probably worth more to me than my vote.

7 You know, but I mean, how many people are  
8 going to keep that paper, and what are they going to  
9 prove with it?

10 MR. STRUCKHOFF: Well, the system wouldn't  
11 require that the voter keep the paper. The paper would  
12 then be put in the ballot box and would be used for say  
13 manual recounts just to verify in certain precincts that  
14 the vote was accurate, similar to what we do with the  
15 punch cards. We manually recount so many precincts  
16 based upon how many votes we have.

17 And, you know, I am a little bit -- I mean,  
18 I would love to have, as an election authority in Greene  
19 County, I would love to have all the counting done 45  
20 minutes after the poll closed.

21 But I know there are people in the opposite  
22 political faith in my county who would not trust that  
23 all of those machines were programmed in the same way.  
24 So they would like to see the paper back-up, especially  
25 when things get close. And you mentioned the election

1 of 2000. Whenever things get that close, everything  
2 becomes a big issue.

3 MS. TAYLOR: We differ on this subject.  
4 It's something we need to discuss elsewhere. Is there  
5 anyone else that would like to talk?

6 MR. FORRESTER: Just as a rebuttal to what  
7 you were talking about, the paper receipt, the important  
8 thing to me as a voter is to have the paper receipt,  
9 more or less, is because before I leave that precinct, I  
10 can check that that device recorded as I would have my  
11 votes to be recorded.

12 And if there is no way for me to do that,  
13 once I've touched that screen, you know, you lose that  
14 integrity as to, you know, if that is being recorded  
15 properly or not, where if you have the double check with  
16 the optical scan, I think that to have where it kicks it  
17 back out to you would seem to be a preferred method over  
18 something along those lines.

19 MS. TAYLOR: Well, I mean even on the touch  
20 screen, it can tell you if you over-voted or  
21 under-voted.

22 MR. FORRESTER: What I'm saying is if you  
23 don't get a print-out, what is there to ensure, other  
24 than on the print of that screen, that it's actually  
25 being tabulated in that regard?

1                   MR. STRUCKHOFF: It takes faith.

2                   MS. TAYLOR: Well, no. You do -- the  
3 Election Board has an audit to do, too.

4                   MR. FORRESTER: But, again, I mean, it's an  
5 argument we could have. I just think that it does give  
6 some integrity to the process if a voter can double  
7 check, you know, a system that would allow that, you  
8 know, that it was at least recorded their way.

9                   MS. TAYLOR: I think it would be very  
10 difficult in a presidential election or even a  
11 non-presidential, but a Congressional race, to keep the  
12 machines filled with paper all day long.

13                  MR. STRUCKHOFF: Certainly there would be  
14 hurdles.

15                  MS. TAYLOR: There would be a lot.

16                  MR. STRUCKHOFF: And you mentioned getting  
17 a ballot to the voter. We would take great steps to  
18 make sure that didn't happen, because we don't want  
19 voters going out with a piece of paper showing how they  
20 voted, because vote buying would then be rampant  
21 wherever that occurred. We go to great lengths to make  
22 sure that that doesn't happen now.

23                  So if this system is going to print out a  
24 ballot, we want to make sure that it's used as evidence  
25 that the machine is working properly.

1                   Plus, the other thing, David, when I go to  
2   these conferences and see these systems, you ask each  
3   one, you know, what kind of battery back-up do you have.

4                   Now, the State of Missouri is known for its  
5   thunderstorms and tornadoes, and sometimes the power  
6   goes out. Most of them will tell you that their back up  
7   battery will keep that information alive in there for 8  
8   hours or 10 hours or whatever.

9                   You can't continue to use the system, but  
10   it will store the memory of all the votes in there for  
11   that period of time. So that's the other thing that  
12   makes me a little squeamish about totally electronic  
13   equipment.

14                  And I may have just to, you know, believe  
15   that they will solve some of those problems. And maybe  
16   the system you saw in Florida has solved it, but it  
17   makes me a little bit nervous.

18                  MR. KIMBLE: The back-up is something the  
19   manufacturers could work on.

20                  MS. TAYLOR: Thank you. Does anyone else  
21   wish to speak? Well, I'd like to turn the meeting over  
22   to Betsy.

23                  MS. BYERS: I'd like to introduce a few  
24   people here that are on the State Plan Committee. Some  
25   of them have testified, Kelly Anthony, representing

1 Paraquad, is on the State Planning Committee; Reed  
2 Forrester, representing the Missouri Republican Party,  
3 Tom Stephens from the Missouri Federation of the Blind.  
4 Dave Welsh, we've mentioned Dave. He is the Republican  
5 director of elections for St. Louis County.

6 MR. STEPHENS: Change that to the National  
7 Federation of the Blind of Missouri, would you please.

8 MS. BYERS: Anyone else? We'd like to  
9 thank them for coming, as part of the purpose of these  
10 hearings is to take in information and have as many  
11 committee members here as we can to hear what everyone  
12 has to say.

13 And also, on that note, we mentioned  
14 earlier that we do have a court reporter taking down the  
15 testimony and comments given today. We should have that  
16 information available to the public. We are not exactly  
17 sure how long it will take. Hopefully in a week or two  
18 weeks we'll have all that in the office and organized.

19 Also, we'd like to point out that we -- if  
20 it isn't up today, it will be up in the next few days, a  
21 page on the Secretary of State's website devoted just to  
22 the Help America Vote Act. And our web address is  
23 [www.sos.mo.gov](http://www.sos.mo.gov). And that is Secretary Blunt's home  
24 page.

25 From there it will have a link to the Help

1 America Vote Act. Included on that page is a schedule  
2 of hearings, State Planning Committee members, their  
3 addresses and contact information, minutes for the  
4 meetings that we have, some of the public comments that  
5 we're going to hopefully have available up on the  
6 internet, or links to that, links to summaries of the  
7 Help America Vote Act and other miscellaneous  
8 information on there that we think will be very helpful  
9 to all those interested. So please look at that today,  
10 or shortly this week we should have that up.

11                   We do have the room open until 5:00, and  
12 we'll be around if anyone shall happen to come in.  
13 You're more than welcome to stay. But I think at this  
14 time we'll take a break if no one else wants to give  
15 testimony or comment. Thank you very much for  
16 attending. We appreciate your presence here.

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## 1 CERTIFICATE OF REPORTER

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I, Celena D. Moulton, Registered Professional

Reporter and Certified Court Reporter and Notary Public

within and for the State of Missouri do hereby certify

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CELENA D. MOULTON, RPR, CCR  
Notary Public, within and  
for the State of Missouri

My Commission expires July 8, 2006.

